

## REMARKS

An Office Action was mailed on March 15, 2004. Claims 1 - 25 are pending in the present application.

### OBJECTION TO ABSTRACT

Applicant thanks the Examiner for withdrawing the objection to the abstract on the basis of amendments made in a Response of January 7, 2004.

### OBJECTION TO DRAWING

The Examiner objects to the revisions made to FIGs. 4, 5 in the Response of January 7 as containing new matter, suggesting that certain distances and speeds were not formerly disclosed.

By way of background, in an Office Action of September 10, 2003, the Examiner objected to the drawing under 37 C.F.R. 1.83(a) as failing to show every feature of the claimed invention. Specifically, the Examiner found that claim limitations relating to the “passing rate of time of the character object” and “multiplying the corresponding coefficient to a variable for determining the position for every unit time of the objects in the virtual space” were not sufficiently illustrated by the drawing.

In the Response of January 7, Applicant proposed changes to FIGs. 4, 5 and 7 to better illustrate these limitations. With respect to FIGs. 4 and 5, Applicant introduced distances D1, D2 and D', and illustrated movement of an arm of game character C holding glove G for the purpose of introducing speeds S1, S2.

“Distance” D2 and “predetermined distance” D” as were illustrated in FIG. 5 are described in Applicant’s original specification, for example, at page 16, lines 4 – 6.

To more consistently follow the descriptions presented in the specification, Applicant withdraws the earlier proposed changes to FIGs. 4 and 5, proposes new revisions to FIGs. 5 and 6, and submits clean-sheet copies of the affected drawing sheets. Applicant also amends the corresponding descriptions in the specification. No new matter is introduced. Accordingly, Applicant respectfully requests that the objection be withdrawn.

#### OBJECTION TO SPECIFICATION

The Examiner objects to the amendments made to the specification in the Response of January 7 as failing to be supported by the original disclosure.

In the Response of January 7, Applicant made amendments to paragraph groupings beginning pages 15, line 23, page 16, line 12 and page 21, line 4.

In this present Response, Applicant further amends the paragraph beginning at page 15, line 23 to eliminate the addition of a distance D1 and predetermined distance D' as illustrated in FIG. 4. As discussed above, the previous amendments introducing reference signs D2 (now revised to be reference sign D1) and D' with reference to FIG. 5 are supported in Applicant's original specification at page 16, lines 4 – 6.

Applicant also further amends the paragraph grouping beginning at page 16, line 12 to eliminate the earlier-made amendments to FIG. 4. Newly-made amendments made with reference to FIG. 5 are supported in Applicant's original specification as indicated above. The earlier-made amendments relating "the passing rate of time ..." to a rate of displacement "over successive frames" are suggested, for example, by the text of the original specification at page 23, line 25 through page 24, line 4.

Applicant submits that the earlier-made amendments to the paragraph grouping beginning at page 21, line 4 are primarily directed to introducing step numbers in support

of revisions to FIG. 7, and are supported by the original language of the paragraph grouping beginning at page 21, line 4 that describes these steps.

In the present Response, Applicant introduces additional amendments to paragraphs beginning at page 17, line 10, which are supported by the paragraph groupings beginning at pages 15 and 16.

#### RESTRICTION

The Examiner restricts claims 1 – 25 as being directed to an invention independent or distinct from that originally claimed. Applicant respectfully traverses this restriction.

In the Response of January 7, Applicant amended claims 1 – 4, 6 – 7 and 9 – 25 to further define the nature of his invention. Support for the amendments was indicated, for example, at page 17, line 10 through page 19, line 4 of Applicant's specification.

The Examiner suggests that these claim amendments changed the claimed invention from being directed to "changing a passing rate of time in space" to being directed to "constructing a viewpoint in virtual space and a character [object] controlled by a predetermined operation terminal wherein the rate of time is directed to the character object and displacement of the character object among frames in a coordinate system occurs". Applicant respectfully disagrees.

As amended, independent claims 1, 9, 17 and 25 are respectively drawn to an information processing method, a program execution device for executing an information processing program, a computer readable recording medium containing the information processing program, and a computer for storing and executing an information processing program. In this regard, they are essentially unchanged from the original claims, with the

exception that claim 25 was amended to be drawn to a computer that stores and executes an information processing program, rather than to a computer program, in order to overcome a rejection under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

Each of these claims further discloses method steps or program code directed to:

- a) construct a virtual space including a viewpoint and a character object controlled by a predetermined operation terminal,
- b) determine the presence of occurrence of an event satisfying a specific condition,
- c) change a passing rate of time of the character object in a the virtual space, by changing a displacement of the character object among frames in a world coordinate system of the virtual space from the state in which the specific event does not occur, when the event occurs; and
- d) change an object to be controlled by the operation terminal from the whole character object to a specific part of the character object, when the event occurs.

For example, independent claim 1 was amended as follows (as shown in the marked-up version):

**1. (currently amended)** An information processing method, comprising the steps of:

constructing a virtual space including a viewpoint and a character object controlled by a predetermined operation terminal;

determining the presence of occurrence of an event satisfying a specific condition ~~in the execution of a predetermined information processing program; and~~

~~partially changing a passing rate of time of the character object in a the virtual space, by changing a displacement of the character object among frames in a world coordinate system of the virtual space from the state in which the specific event does not occur, structured by the information processing program~~ when the event occurs; and

changing an object to be controlled by the operation terminal from the whole character object to a specific part of the character object, when the event occurs.

As evident from the marked-up version, claim 1 was amended to add two new limitations (“constructing a virtual space including ...” and “changing an object to be controlled ...”), and to refine two existing limitations (“determining the presence of occurrence of an event ...” and ““changing a passing rate of time ...”).

The first additional limitation requires that the method include a step for constructing the claimed virtual space to include a viewpoint and a character object controlled by a predetermined operation terminal. Applicant notes that the term “viewpoint” is not newly introduced, as it is used for example in original claim 5, and that the term “object” is not newly introduced, as is used for example in original claim 2. Thus, Applicant respectfully disagrees with the Examiner’s assertion that the claims are newly drawn toward “character objects” and “viewpoints”, and that these elements represent a totally different field of search and consideration than as were indicated by the original claims.

Thus, the first additional limitation does not introduce new elements not contemplated within the original claim set, but further limits original claim 1 by providing that the claimed information processing method provides several elements that were referenced in the original claims. Similarly, the second additional limitation further limits original claim 1 by providing that the claimed operation terminal change its control of the object to address only a specific part of the object. Notably, the added limitations do not of themselves eliminate the limitations recited in original claim 1.

The amendment to the first original limitation of claim 1 preserves the originally-claimed requirement for “determining the presence of occurrence of an event satisfying a

specific condition” while removing the requirement that the occurrence be determined in the execution of a predetermined processing program. The amendment to the second original limitation clarifies the original limitation “partially changing a passing rate of time in [the] virtual space” by requiring that the passing rate of time be changed with respect to the character object. The amendment further clarifies the limitation by requiring that the passing rate of time be changed by “changing a displacement of the character object among frames in a world coordinate system of the virtual space from the state in which the specific event does not occur”. Thus, the claim amendments maintain the central requirements of the original claim limitations requiring an information processing method for: a) determining the presence of the occurrence of an event, and b) partially changing a passing rate of time in the virtual space.

As explained in 35 U.S. C. § 121, a restriction requirement is appropriate and proper when “two or more independent and distinct inventions are claimed in one application”. As further explained in 37 C.F.R. § 1.145, if in response to an Office Action the Applicant “presents claims directed to an invention distinct from and independent of the invention previously claimed”, a restriction to the invention originally claimed is proper. “Independence” requires that “there is no disclosed relationship between the two or more subjects disclosed”, and “distinctness” requires that the two subjects be capable of separate use and are novel and non-obvious over each other. MPEP 802.01.

For the reasons cited above, Applicant respectfully submits that the amendments made to claims 1 – 25 in the Response of January 7 do not pertain to an invention distinct from and independent of the invention originally claimed. As the original limitations claiming an information processing method for determining the presence of the occurrence of an event, and for changing a passing rate of time in the virtual space

remain in the amended claims, the amended claims are clearly related to the original claims and are not independent. As the core method disclosed by these original limitations essentially survives and is effectively required to practice the amended claims, the amended claims are not distinct over the original claims.

Accordingly, Applicant respectfully submits that amended claims 1 – 25 do not qualify for restriction under the provisions of 35 U.S. C. § 121 and 37 C.F.R. § 1.145, and requests that the restriction requirement be withdrawn.

### CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-25, consisting of independent claims 1, 9, 17 and 25, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

  
\_\_\_\_\_  
Thomas J. Bean  
Reg. No. 44,528

### **CUSTOMER NUMBER 026304**

KMZ ROSENMAN  
575 MADISON AVENUE  
NEW YORK, NEW YORK 10022-2585  
PHONE: (212) 940-8800/FAX: (212) 940-8776  
DOCKET No.: SCEY 19.115 (100809-00054)